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FM AMCONSUL JERUSALEM

TO RUEHC/SECSTATE WASHDC IMMEDIATE 2746

INFO RUEHXX/ARAB ISRAELI COLLECTIVE PRIORITY

C O N F I D E N T I A L JERUSALEM 002406

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NEA FOR FRONT OFFICE; NSC FOR ABRAMS/DORAN/LOGGERFO

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TAGS: [KPAL](#) [KWBG](#) [PREL](#) [PGOV](#) [IS](#)

SUBJECT: PLC POSTPONES DECISION ON REFERENDUM; CEC PREPARES  
TO ORGANIZE VOTE

Classified By: Consul General Jake Walles, per reasons 1.4 (b) and (d)

¶1. (C) SUMMARY: During an emergency session of the Palestinian Legislative Council (PLC) on June 12, HAMAS legislators challenged the legality of President Abbas' (Abu Mazen) decree calling for a July 26 referendum on the prisoners' initiative. After several hours of heated debate, the PLC agreed to defer a vote on the referendum until the week of June 19. According to Fatah sources, HAMAS legislators filed a protest with the Central Elections Commission (CEC) and asked it not to move forward with referendum preparations. Separately, jailed HAMAS and PIJ members reportedly withdrew their support for the prisoners' initiative in light of the referendum. The Chief Electoral Officer for the CEC June 12 told ConGen Poloff that the CEC has begun preparations but would need approximately USD 6-7 million in funding to hold the referendum. END SUMMARY.

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PLC Holds Heated  
Debate on Referendum  
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¶2. (SBU) Following a petition from the HAMAS bloc, the PLC convened an emergency session on June 12 to debate whether Abu Mazen had exceeded his legal authority in calling for a July 26 referendum on the prisoners' initiative. PLC Speaker Aziz Dweik told the press prior to the June 12 PLC session that he intended for the Council to vote on the legality of the referendum. HAMAS PLC member Yasir Mansour (Nablu) argued that the referendum represented a "soft coup" against the HAMAS-led government. HAMAS PLC member Hamad Khadir (Hebron) described the referendum decree as "illegal and without constitutional basis." Khadir added that the referendum will not lead to unity but rather to division.

¶3. (SBU) Fatah PLC members countered that the Basic Law does not prohibit the PA president from calling a referendum and accused PLC Speaker Dweik of displaying bias towards HAMAS legislators in his distribution of speaking time on the PLC floor. Fatah PLC member Sa'eb Erekat (Jericho) called on Dweik to "behave as the PLC speaker, not as a representative of the government." Fatah PLC member Issa Qaraqah followed up with a legal argument for the referendum, contending that Basic Law's silence on holding a referendum does not necessarily make it illegal.

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PLC Delays Vote, Calls  
For More Dialogue  
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¶4. (SBU) After Fatah members threatened to walk out of the

session, PLC Speaker Dweik proposed a postponement of the PLC vote until the week of June 19, while calling for a continuation of dialogue between the factions. The measure passed by a vote of 69 in favor (HAMAS voted unanimously), with 6 against and 4 abstentions. Outside the Gaza PLC building, HAMAS PLC member Mushir al-Masri told reporters that HAMAS would prefer to reach an agreement with Fatah through dialogue, but otherwise the PLC would "assume its responsibilities and hold a vote."

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HAMAS Prisoners Withdraw  
Support for Initiative  
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15. (SBU) In a June 11 press conference, HAMAS and PIJ spokesmen announced that 'Abd al-Khaleq al-Natsheh (HAMAS) and Bassam al-Saadi (PIJ), who had added their signatures to the prisoners' initiative, have announced their intention to withdraw their support in response to Abu Mazen's decree to hold a referendum. A HAMAS spokesperson in Gaza, reading from a prepared statement from al-Natsheh, accused Abu Mazen of "abusing the prisoners' document" for political gain rather than promoting national unity.

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HAMAS Lodges  
Protest With CEC  
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16. (SBU) PLC Speaker Dweik sent a letter June 12 to the CEC challenging the legality of the referendum, and requested that the electoral body refrain from moving forward with preparations. Dweik's letter included a legal opinion drafted by the PLC Legal Department, arguing that the CEC is not authorized to carry out the referendum.

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CEC Moving Forward  
With Referendum Preparations  
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17. (C) During a June 12 meeting with ConGen Poloff in Ramallah, Ammar Dweik, the Chief Electoral Officer of the CEC, said that the CEC's preparations for the July 26 referendum would mirror those undertaken for the January PLC elections. The CEC is prepared to operate 3,000 polling stations in the West Bank, Gaza, and in Jerusalem. (NOTE: Dweik noted that holding the referendum in Jerusalem would require prior GOI agreement. He requested USG assistance in gaining Israeli cooperation. END NOTE.) Dweik indicated that the CEC would send letters to UNRWA and to the PA Ministry of Education requesting use of their schools for the voting. Dweik said that the CEC would request the cooperation of the PA Ministry of Interior to provide security at the polling stations. Dweik indicated that the CEC may allow pre-voting of PA security personnel.

18. (C) Dweik estimated the cost of holding the referendum at USD 6-7 million. He indicated that Abu Mazen's office may provide funding for the referendum; otherwise, the CEC would seek international donor support. Dweik said that the CEC needed to resolve the funding issue before moving ahead with preparations for the referendum. (NOTE: The CEC has yet to pay polling station workers from the January PLC elections, claiming that USD 2.7 million provided to the PA for that purpose is currently frozen in the Arab Bank. END NOTE.)

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COMMENT  
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19. (C) Fatah and associated groups expected the HAMAS move to challenge the referendum in the PLC and were prepared for the legal challenge. They expect that the PLC will ultimately vote against the referendum and the issue will end up in the courts, where Abu Mazen's supporters believe they have the

advantage. His supporters took the HAMAS decision to postpone the PLC vote as a small victory, indicating that HAMAS remains on the defensive and unsure of how to proceed.

WALLES